

FOURTH AMENDMENT TO
PROFESSIONAL CONSULTANT SERVICES AGREEMENT
BETWEEN THE CITY OF UPLAND AND
ANNEALTA GROUP, INC.

THIS FOURTH AMENDMENT TO PROFESSIONAL CONSULTANT SERVICES AGREEMENT (the "Fourth Amendment") is made as of the 13th day of June 2022, by and between the City of Upland (the "City"), and Annealta Group, Inc., a California corporation (the "Consultant"). Collectively, City and Consultant are referred to herein as the "Parties".

WITNESSETH THAT:

WHEREAS, City and Consultant previously entered into an original Professional Consultant Services Agreement (the "Original Agreement") dated July 1, 2017 (the "Commencement Date") for the service delivery period of July 1, 2017 through June 30, 2020 (the "Term"); and

WHEREAS, pursuant to the Original Agreement, during the Term the Consultant is to provide a variety of professional services tasks in support of the City's Development Services Department, as defined within Exhibit "A" to the Original Agreement; and

WHEREAS, as of the Commencement Date, the City obtained professional services in support of its Development Services Department from three (3) different consulting firms, of which the Consultant was one; and

WHEREAS, the City's projected combined three-year budget estimate for the cost of services from the three consulting firms was \$1,500,000; and

WHEREAS, due to a variety of factors including, but not limited to, a need to adapt to changing demands for services to the public and to increase efficiencies of service delivery in terms of quality and cost, during FY 2017-18 the City consolidated its consulting services provided by three consulting firms into one, i.e., with the Consultant; and

WHEREAS, the skills sets of the Consultant's assigned staff members together with the billable rates applicable thereto are superior to the other two consulting firms that formerly provided professional services tasks in support of the City's Development Services Department; and

WHEREAS, on August 13, 2018, the City Council approved an Amendment (the "First Amendment") to the Agreement to clarify and increase the total funding plan over the three year term with a "not to exceed" total of \$1,375,00, to offset the costs for Consultant's services to fulfill tasks formerly provided by other consulting firms and to confirm the Consultant's changes to its professional service rates during FY 2019-20 (the third year of the three-year Term); and

WHEREAS, on May 26, 2020, the City Council approved an Amendment (the "Second Amendment") which utilized the first of three, one-year extensions and extended the term of the Agreement from July 1, 2020 to July 1, 2021 at a "not to exceed" amount of \$336,640; and

WHEREAS, on May 10, 2021, the City Council approved an Amendment (the "Third

Amendment") which utilized the second of three, one-year extensions and extended the term of the Agreement from July 1, 2021 to July 1, 2022, at a "not to exceed" amount of \$305,000; and

WHEREAS, on April 7, 2022, the City Manager approved an increase of \$6,100 (or 2%) amending the "not to exceed" amount of the Third Amendment to \$311,100 through June 30, 2022; and

WHEREAS, Consultant confirms that it is able to continue to provide the professional services tasks, as defined in the Original Agreement; and

WHEREAS, the City and Consultant agree to extend the Original Agreement, as amended, for One Year pursuant to Section 1 of the Original Agreement beginning July 1, 2022 and ending June 30, 2023 at a one-year budget allocation of \$295,000, as further described herein and as depicted in Exhibit "A" Payment Rates and Schedule for Fiscal Year 2022-23; and

WHEREAS, Consultant's costs are included with City's FY 2022-23 budget and are predominately funded from developer deposits, user fees, and grant funding; and

WHEREAS, it now becomes necessary to amend the Agreement, as previously amended, and the Parties are desirous of such amendment.

NOW, THEREFORE, in consideration of the mutual undertakings herein, the Parties amend the Agreement, as previously amended, as follows:

1. Section 5, PAYMENT, Subsection (a) is amended to include a sentence at the end of said subsection to read as follows:

"For Extended Year Three beginning July 1, 2022, and ending June 30, 2023, the total amount payable to Consultant for its professional services tasks shall not exceed a total of \$295,000, as set forth in Exhibit "A" of the Fourth Amendment, unless specifically authorized by the City Manager, or designee."

2. All remaining provisions of the Original Agreement shall remain the same.

(Signatures on Following Page)

IN WITNESS WHEREOF, the City and Consultant have approved this Fourth Amendment to the Original Agreement effective the day and year first above written.

CITY:

City of Upland

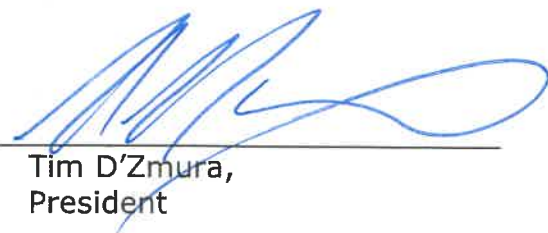
CONSULTANT:

Annealta Group, Inc.

By:


Michael Blay,
City Manager

By:


Tim D'Zmura,
President

ATTEST:

By:


Keri Johnson,
City Clerk

APPROVED AS TO FORM:

By:


Stephen Deitsch,
City Attorney

[insert new rate schedule]

**ANNEALTA GROUP - HOURLY RATES FOR SERVICES
FISCAL YEAR 2022-23**

<u>Title</u>	<u>Rate</u>
Planning Manager	150
Senior Planner	135
Associate Planner	115
Assistant Planner	100
Planning Technician	80
Building Official	130
Deputy Building Official	115
Structural Plan Check	135
Senior Plan Checker	120
Plan Checker	105
Assistant Plan Checker	95
Permit Tech III	60
Permit Tech II	55
Permit Tech I	50
CASp Specialist	150
Building Inspector I	75
Building Inspector II	80
Building Inspector III	85

*Building Plan Checks – 65% of city fee collected